



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2011-0715, FRL- 9913-28-Region-10]

Approval and Promulgation of Implementation Plans; Idaho:

Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter and
2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act (CAA) requires that each state, after a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, review their State Implementation Plan (SIP) to ensure that it meets the infrastructure requirements necessary to implement the new or revised standard. The Environmental Protection Agency (EPA) finds that the Idaho SIP meets the infrastructure requirements of the CAA for the NAAQS promulgated for fine particulate matter (PM_{2.5}) on July 18, 1997 and October 17, 2006, and for ozone on March 12, 2008. The EPA also finds that the Idaho SIP meets the interstate transport requirements of the CAA related to prevention of significant deterioration and visibility for the 2006 PM_{2.5} and 2008 ozone NAAQS.

DATES: This final rule is effective on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2011-0715. All documents in the docket are listed on the

<http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at: (206) 553-6357,

hall.kristin@epa.gov, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever “we,” “us” or “our” is used, it is intended to refer to the EPA. Information is organized as follows:

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- I. Background
- II. Response to Comment
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I. Background

On September 15, 2008, June 28, 2010, and August 10, 2011, Idaho made submissions to the EPA demonstrating that the Idaho SIP meets the infrastructure requirements of the CAA for

the 1997 PM_{2.5}, 2006 PM_{2.5}, and 2008 ozone NAAQS. On March 26, 2014, we proposed action on these submissions (79 FR 16711). On April 15, 2014, we made a correction to our proposal because we supplied an incorrect docket number in our proposed action (79 FR 21179). However, any commenter wishing to submit comments did not need to resubmit them, because we routed the comments to the correct docket.

An explanation of the CAA requirements and implementing regulations that are met by these SIP submissions, a detailed explanation of the submissions, and the EPA's reasons for the proposed action were provided in the notice of proposed rulemaking on March 26, 2014, and will not be restated here (79 FR 16711). The public comment period for our proposed action ended on April 25, 2014, and we received one comment.

II. Response to Comment

Comment: We received the following anonymous comment through the www.regulations.gov website: "When the EPA can stop all the toxic emissions from the multitudes of volcanos on the earth, then and only then will I give up my wood stove!! You people need to stop telling us how to live. My taxes pay your wages and I think your organization needs to be dismantled!"

Response: Under section 110 of the CAA, states are responsible for developing provisions to address air pollution for incorporation into the SIP. The EPA's role is to evaluate these state choices to determine if the revisions meet the requirements of the CAA. Furthermore, under section 116 of the CAA, states have authority to adopt or enforce standards or requirements for the control or abatement of air pollution (except as specifically limited by the

CAA). The EPA must approve state submissions so long as they meet the minimum requirements established by the CAA. Union Electric Co. v. EPA, 427 U.S. 246 (1976). To the extent that the commenter wants to influence these state choices, the comments are best submitted during the state public comment period, rather than as part of the EPA's approval or disapproval process. We have determined that the provisions selected by Idaho for inclusion in its SIP meet the CAA infrastructure requirements for the 1997 and 2006 fine particulate matter and 2008 ozone standards. We provided a copy of the comment to Idaho Department of Environmental Quality for consideration during future state rulemaking, but we are otherwise taking no further action on the comment.

III. Final Action

The EPA finds that the Idaho SIP meets the following CAA section 110(a)(2) infrastructure elements for the 1997 PM_{2.5}, 2006 PM_{2.5}, and 2008 ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). We also find that the Idaho SIP meets the requirements of CAA section 110(a)(2)(D)(i)(II) as it applies to prevention of significant deterioration and visibility for the 2006 PM_{2.5} and 2008 ozone NAAQS. This action is being taken under section 110 of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices,

provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [FEDERAL REGISTER OFFICE: insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule

or action. This action may not be challenged later in proceedings to enforce its requirements.

(See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone, Particulate matter, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 16, 2014.

Dennis J. McLerran,
Regional Administrator,
Region 10.

40 CFR part 52 is amended as follows:

PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart N - Idaho

2. In § 52.670, the table in paragraph (e) is amended by adding three entries at the end of the table for “Section 110(a)(2) Infrastructure Requirements for the 1997 PM_{2.5} NAAQS,” “Section 110(a)(2) Infrastructure Requirements for the 2006 PM_{2.5} NAAQS,” and “Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS.”

The additions read as follows:

§ 52.670 Identification of plan.

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(e) * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
* * * * *				
Section 110(a)(2) Infrastructure Requirements for the 1997 PM _{2.5} NAAQS	State-wide	9/15/2008; 6/28/2010	[Insert <u>Federal Register</u> publication date] [Insert page number where the document begins]	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

Section 110(a)(2) Infrastructure Requirements for the 2006 PM _{2.5} NAAQS	State-wide	6/28/2010; 8/10/2011	[Insert <u>Federal Register</u> publication date] [Insert page number where the document begins]	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).
Section 110(a)(2) Infrastructure Requirements for the 2008 Ozone NAAQS	State-wide	6/28/2010	[Insert <u>Federal Register</u> publication date] [Insert page number where the document begins]	This action addresses the following CAA elements or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).